



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Cedar City Field Office
176 East DL Sargent Drive
Cedar City, Utah 84720

S/021/013

0001

In Reply Refer To:
UT-040
3809: UTU-67787

RECEIVED

APR 07 2000



DIVISION OF
OIL, GAS AND MINING

April 5, 2000

Certified Mail No.: Z 190 268 604
Return Receipt Requested

DECISION

Mr. Bruce Whited
12153 South 1840 East
Draper, UT 84020

:
:
:

43 CFR 3809
Notice of Noncompliance
Failure to Reclaim

This decision is a notice of noncompliance for your mining operations on public lands located in Beaver County, Utah.

The mining disturbance is located in California Hollow within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, T. 31 S., R. 8 W. The disturbance, referred to as the L.C. & K.C.L. Mine Site, is located entirely on Federal lands with this office's jurisdiction. The original notice of intent filed for this operation was through Cobb Mining Operation, care of yourself, and submitted to this office on May 28, 1991. On March 11, 1992, an amended notice (copy enclosed) was filed by AEMC (again, care of yourself), which moved all milling activity proposed under the original notice from federal to private lands. The mine site disturbance covered under this amended notice was assigned to BLM case file UTU-67787, and State of Utah, Division of Oil, Gas, and Mining (DOGM) Small Mining Operation case file S/021/013. Our records and the DOGM records indicate that you are the current operator and responsible party for the mine site.

On September 29, 1997 (Certified Mail No: P 223 667 916, copy attached), this office sent a letter informing you that the site has been inactive for over a year and the mine site was covered with noxious weeds. No annual reports have been filed for the mining operation or associated mill site since 1993. The BLM acceptance letter for the amended notice (copy enclosed), for which you are the responsible party, requires that if mining activities extend for more than one year, that a new notice be filed with this office, or that the reclamation plan for the site be carried out.

The 1997 letter led to multiple telephone conversations between Ed Ginouves of my staff and yourself. Through those conversations it was agreed upon that the site would be reclaimed as specified in the reclamation plan provided in the amended notice of intent. More than two years have passed with no significant on-the-ground progress made towards reclamation of the mine site. Accordingly, we are issuing this notice of noncompliance for failure to perform timely reclamation (43 CFR 3809.3-2(b)).

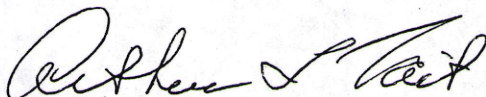
0001

To correct this noncompliance, within 30 days of receipt of this decision you must commence reclamation activity at this site. The earthwork reclamation for the site must be completed no later than 90 days from receipt of this letter. Seeding of the reclaimed site must take place during the period of September 30th-October 30th, 2000.

If the reclamation work is not commenced within 30 days of receipt of this letter, you will have established a record of noncompliance. If you establish a record of noncompliance, you must file a plan of operations within 30 days for all existing and subsequent operations that would otherwise be conducted pursuant to a notice. These operations will also be subject to mandatory bonding for the full cost of reclamation (43 CFR 3809.3-2(e)). This will apply to all of your locatable mineral operations on public lands throughout the United States.

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal accompanied by a statement of reasons and any arguments you wish to present, which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

Any questions regarding this decision should be directed to Ed Ginouves, at this office, telephone 435-865-3040.



Art Tait
Field Office Manager

XC: Joelle Burns, DOGM

Enclosures:

1. Copy of Amended Notice: UTU-67787
2. Copy of BLM letter of April 13, 1992
3. Copy of BLM letter of September 29, 1997

43 CFR 3809 "NOTICE"
(Disturbance of 5 Acres or Less)
Surface Management of Public Lands
Under the U.S. Mining Laws

A.E.M.C. Inc.
c/o Bruce Whited
12153 South 1840 East
Draper, Utah 84020

RECEIVED

APR 07 2000

DIVISION OF
OIL, GAS AND MINING

Beaver River Resource Area
444 South Main #C-3
Cedar City, Utah 84720

March 10, 1992

RE: L.C. & K.C.L. Mining Claims NOTICE Application

Dear B.L.M. Authorized Officer;

This letter is notification for filing a, Notice: Disturbance of 5 acres or less. The following outline contains the information pertaining to the mining disturbance we are planning to conduct.

1. Mining Operator; A.E.M.C. Inc.
 12153 South 1840 East
 Draper, Utah 84020

2. Mining Claim(s) where disturbance will likely take place.

<u>Operation</u>	<u>Name</u>	<u>Area to be disturbed</u>
Mining	L.C. #2	250 ft. x 400 ft. = 2.29 Acres
Road Work	L.C. 1 & 7 K.C.L. 67,16,14,11,9,8	5280 lf. x 14 ft. = 1.70 Acres TOTAL ACRES = 3.99 Acres

3. Proposed Activities Statement:

Mining Activities; The mine site will consist of an open-pit mining operation. This site is located in the North $\frac{1}{2}$ of Section 1, T31S. R8W., S.L.B. & M. The ore will be extracted by blasting the ore loose then using a back-hoe to load the ore into a transport truck. The ore will then be transported to the proposed mill site located approximately eight miles north to nearby Greenville on private property, for the crushing and concentrating operations. The milling operation will consist of crushing the ore down to a 100 minus mesh. The ore will

be separated over a water operated, dister, concentrating table. No chemical leaching or chemical process will take place on the sites. The total combined disturbed area of the mine, mill sites and road work will be under 5 acres.

Access Routes; An existing access route from a County road to the Mine Sites will be improved with a grader and small dozer where necessary. Culverts will be installed where necessary for prevention of road erosion. The road width will be the minimum width allowable for the purpose of ingress and egress to the sites by truck travel, 16 feet maximum. The total length of existing roads is approximately 1 mile. (See attached map for routes and mine sites locations).

The improvement of access routes and the mining operations will commence 15 days after notice has been given to an authorized officer or when approval is granted.


4. Reclamation Statement;

All access routes shall be improved only to the minimum width needed for operations and shall follow the existing routes in the area. If additional access routes are required to provide access to the mine site they will follow the existing contours with the minimum of cuts and fills allowable.

The tailings of the operation will consist of materials that is currently present in the area. The tailings will be evenly distributed over the area covered with top soil and planted with natural grasses after the operation is completed. The mining pit will be reclaimed in a similar manner. Native soil will be placed on the flatter slopes and replanted with natural grasses after mining has ceased. (Reclamation of all areas disturbed will be completed to the standard described in "Subpart 3809.1-3(d) of Title 43 Code of Federal Regulations, and reasonable measures will be taken to prevent unnecessary or undue degradation of the federal lands during operations.)

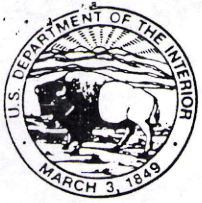
If additional information is required please contact us without delay, for we wish to start operations as soon as possible. Thank you for your time and concerns in this matter.

Sincerely,



A.E.M.C. Inc.

Gary Whited, Board Member



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Beaver River Resource Area
365 South Main Street
Cedar City, Utah 84720
(801) 586-2458
FAX (801) 586-1009

3809
UT-044
UTU-67787

RECEIVED

April 13, 1992

Mr. Bruce Whited
12153 S. 1840 E.
Draper, UT 84020

APR 07 2000

DIVISION OF
OIL, GAS AND MINING

Dear Mr. Whited:

This letter acknowledges receipt of your amended Notice to conduct mining activities on the L.C. and K.C.L. unpatented mining claims. The amendment has been reviewed for compliance with regulations found in 43 CFR 3809.1-3 and possible conflicts with cultural resources, threatened or endangered plants and animals, and land status. No conflicts with most of these resources were found and the amendment appears to be in compliance with Federal regulations. The amended Notice has been accepted under the previous file number UTU-67787. Please use this number in all future correspondence with this office.

The area is very sensitive regarding cultural resources. Our geologist has already conveyed to you a map with one archeological site which needs to be avoided. Additional cultural resources have been found adjacent to the road you wish to widen. The significance of these finds has not yet been determined. The potential of disturbing a significant site exists. We will inform you of the significance of these sites as soon as it has been determined.

A copy of the information provided in your amended Notice will be forwarded to the Utah Division of Oil, Gas, and Mining (DOGM). Therefore, you will not be required to provide this information to them.

The operations described in your amended Notice are the only actions considered accepted by the Bureau of Land Management. Any changes in the amount or type of ground disturbance must be submitted to this office as an additional amendment 15 days prior to initiation. Operations will be inspected twice a year or every 6 months to insure compliance with the Notice and Federal and State regulations.

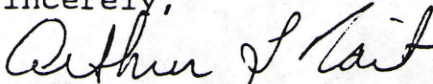
Surface Management Regulations (43 CFR 3809) require reclamation of all disturbed public land and that reasonable measures be taken to prevent unnecessary or undue degradation of the land.

Included with this letter is a set of Reclamation Standards and Standard Operating Procedures to be used during operations and reclamation. Final reclamation must be approved by the BLM before the file will be closed. Any deviation from these standards can necessitate a Notice of Noncompliance and bonding requirements for future work.

If your operations extend for more than a year, please advise us of the status of your mining activities on the anniversary of your Notice. A new Notice or amendment will need to be submitted at that time. Acceptance of this amendment will not now, or in the future serve as a determination of the validity of any mining claim to which it may relate.

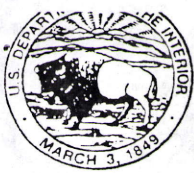
Thank you for submitting your amended Mining Notice as it shows your willingness to prevent unnecessary disturbance of our public lands. If you have questions regarding your Notice please contact Gina Pack at this office.

Sincerely,


Arthur L. Tait
Area Manager

Enclosure
Standard Operating Procedures/
Reclamation Standards

xc: Wayne Hedberg, DOGM (S/021/013)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
CEDAR CITY DISTRICT
BEAVER RIVER RESOURCE AREA
176 East D.L. Sargent Dr.
Cedar City, Utah 84720

CERTIFIED MAIL P 223 667 916
RETURN RECEIPT REQUESTED

In Reply Refer to:
UT-044
3809, UTU-67787

September 29, 1997

Bruce Whited
12153 South 1840 East
Draper, UT 84020

Dear Mr. Whited:

This letter is in regard to a mining disturbance located in California Hollow within the NE4NE4 Sec. 1, T. 31 S., R. 8 W. The disturbance, referred to as the L.C. & K.C.L. Minesite, is located entirely on Federal lands with this office's jurisdiction. The original notice of intent filed for this operation was through Cobb Mining Operation, care of yourself, and submitted to this office on May 28, 1991. On March 11, 1992, an amended notice (copy enclosed) was filed by AEMC (again, care of yourself), which moved all milling activity proposed under the original notice from federal to private lands. The minesite disturbance covered under this amended notice was assigned to BLM casefile UTU-67787, and State of Utah Small Mining Operation casefile S/021/013.

On September 15, 1997, I made an inspection of the disturbed area and it appears as though the site has been inactive for over a year and the minesite is covered with noxious weeds. I contacted the State of Utah, Division of Oil, Gas, and Minerals, and found that no annual reports have been filed for the mining operation or millsite since 1993. The BLM acceptance letter for amended notice (copy enclosed), for which you are the responsible party, requires that if mining activities extend for more than one year, that a new notice be filed with this office, or that the reclamation plan for the site be carried out.

It will be necessary for you to contact me immediately at (801) 865-3040, to rectify this situation. Failure to respond to this letter will result in a notice of non-compliance being issued, requiring bonding for the full cost of reclamation for this and all other present mining disturbances, for which you are responsible, on BLM managed lands.

Sincerely,

Ed Ginouves
Mining Engineer

XC: Joelle Burns, DOGM

Enclosures:

1. Copy of Amended Notice UTU-67787
2. Copy of BLM letter of April 13, 1992.

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